

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Middle District Court of Pennsylvania on the following

☒ Trademarks or ☐ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 11cv00943	DATE FILED 5/17/2011	U.S. DISTRICT COURT Middle District Court of Pennsylvania
PLAINTIFF Schiff's Restaurant Service, Inc.,		DEFENDANT Scavazzo Enterprises Inc. d/b/a Dotti-Lou Packing Co. and Vince Scavazzo
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 2,966,071		
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SCHIFF'S RESTAURANT SERVICE, INC.,	:	
Plaintiff	:	
v.	:	CIVIL ACTION - LAW
	:	
SCAVAZZO ENTERPRISES INC.	:	
d/b/a DOTTI-LOU PACKING CO. and	:	
VINCE SCAVAZZO,	:	Jury Trial Demanded
Defendants	:	

**COMPLAINT**

Plaintiff Schiff's Restaurant Service, Inc. ("Schiff's"), by and through its attorney, Mitchell A. Smolow, for its Complaint against the Defendants Scavazzo Enterprises, Inc., d/b/a Dotti-Lou Packing Co., and Vince Scavazzo (collectively, "Scavazzo"), alleges as follows:

**THE PARTIES**

1. Plaintiff, Schiff's Restaurant Service, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address of 3410 North Main Avenue, Scranton, PA 18508.

2. Upon information and belief, Scavazzo Enterprises, Inc., d/b/a Dotti-Lou Packing Co. is a Pennsylvania corporation with its principal place of business at RR#1 Box 15, Stevensville, PA 18845.

3. Upon information and belief, Defendant Vince Scavazzo is an individual residing within Pennsylvania.

### **COUNT I**

#### **False Designations Of Origin And False Descriptions And Representations Federal Unfair Competition**

##### **Jurisdiction and Venue**

4. This claim arises under the provisions of the Trademark Act of 1946, 15 U.S.C. §1051, et. seq., particularly under 15 U.S.C. §1125(a), and alleges the use in commerce of false designations of origin and false descriptions and representations.

5. The Court has jurisdiction over the subject matter of the claim pursuant to 15 U.S.C. §1121 and 28 U.S.C. §1391.

Background and Factual Averments

6. Schiff's is a wholesale/retail food service company providing wholesale and retail grocery services, butcher services, deli and bakery services, fresh cut meats, deli and bakery goods, dairy goods, produce, frozen and dry groceries, non-foods, and restaurant equipment and supplies.
7. Schiff's employs a butcher to customize meat orders to customer specification.
8. Schiff's prepares on its premises deli salads, cooked meats, fresh cut meats such as beef, lamb, veal, pork and chicken, and baked goods.
9. Schiff's is subject to, and undergoes, regular USDA inspection.
10. Schiff's ships its products nationwide.
11. In the early part of 1985, Schiff's engaged the services of a graphic artist to



paint its mark ("the Butcher Mark") on the exterior of its store.

12. Scavazzo applied to register an identical trademark ("the butcher mark") with the United States Patent and Trademark Office on May 7, 2004, claiming a

first use date of April 1, 2003 in International Class 035: Butcher shop. It received federal registration no. 2966071 on July 12, 2005.

13. Schiff's began to market its goods and services using its Butcher Mark about May, 1985, long before Scavazzo's claimed first use date, and has continued without break to market its goods and services using its Butcher Mark.

14. Schiff's has spent substantial sums for the advertisement and promotion of its goods and services using its Butcher Mark on/in billboards, buildings, newspapers, printed flyers, delivery vehicles and package labeling. A representative sample is attached as Exhibit 1.

15. By virtue of such use and expense, Schiff's Butcher Mark is favorably known and is a valuable asset of Schiff's. The Butcher Mark is a symbol of considerable good will and recognition built up by Schiff's through the use of its Butcher Mark.

16. By reason of the widespread advertising and widespread distribution of Schiff's goods and services bearing Schiff's Butcher Mark, and the extended period of Schiff's use of its Butcher Mark, the trade and purchasing public have come to recognize Schiff's Butcher Mark as signifying Schiff's and as identifying Schiff's as the source of goods and services sold under Schiff's Butcher Mark.

17. Upon information and belief, Mr. Scavazzo is the sole stock owner of Scavazzo Enterprises, Inc.

18. Upon information and belief, Scavazzo Enterprises, Inc. is a close corporation.

19. Upon information and belief, Mr. Scavazzo sponsors, controls and/or operates a Facebook page using the butcher mark.

20. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s use of the Scavazzo butcher mark have been without the consent of Schiff's, is likely to cause confusion as to source, sponsorship or affiliation and, in particular, tends to and does falsely create the impression that the use of the Scavazzo butcher mark is authorized, approved, or sponsored by Schiff's when, in fact, it is not.

21. Schiff's has no control over the presentation, format, or content of Mr. Scavazzo's Facebook page, nor any control over how the Scavazzo butcher mark is used by Mr. Scavazzo and/or Scavazzo Enterprises, Inc., and because of the confusion as to the source created by Mr. Scavazzo and Scavazzo Enterprises, Inc., Schiff's goodwill with its Butcher Mark is at the mercy of Mr. Scavazzo and Scavazzo Enterprises, Inc.

22. Mr. Scavazzo was employed by Schiff's from October 15, 1984 through October 18, 1991.

23. His employment coincided with Schiff's engagement of the graphic artist to deploy its Butcher Mark and Schiff's use of its Butcher Mark.

24. Schiff's first discovered Scavazzo's use of the Scavazzo butcher mark on or about 2010 after a Schiff's employee saw Scavazzo's butcher mark in a newspaper advertisement.

25. Upon information and belief, Scavazzo's butcher mark is identical to Schiff's Butcher Mark and is used with identical goods and services.

26. An employee of Schiff's has an independent locksmith business.

27. Upon information and belief, after the 2966071 registration issued, Scavazzo employed the locksmith to provide locksmith services. While those services were being provided, Mr. Scavazzo told the locksmith he (Mr. Scavazzo) obtained the design for Scavazzo's registered butcher mark by copying it from Schiff's business card which contained Schiff's Butcher Mark.

28. Schiff's only recently became aware of the facts recited in the preceding paragraph.

29. Upon information and belief, Mr. Scavazzo and Scavazzo Enterprises, Inc. knowingly and wrongfully misappropriated Schiff's Butcher Mark for his/its own use without the knowledge or consent of Schiff's.

30. Upon information and belief, Scavazzo's goods and services are confusingly similar, if not identical to, Schiff's, and are marketed through the same channels of trade and to the same class of consumers as the goods and services of Schiff's.

31. Upon information and belief, Scavazzo has two retail locations: Route 706 Stevensville, PA and 2613 Milwaukee Road, Ransom, PA.

32. Scavazzo has maintained since at least as early as 2005 and continues to maintain an active customer account with Schiff's, purchasing grain products, condiments, frozen foods, groceries, soup base, and other products from Schiff's, many of those products bearing Schiff's Butcher Mark.

33. Scavazzo and Schiff's are located within the same market territory.

34. Upon information and belief, Scavazzo's butcher mark is used on/in billboards, buildings, newspapers, printed flyers, delivery vehicles and package labeling. A representative sample is attached as Exhibit 2.

35. Prospective purchasers of Scavazzo's goods and services are likely to erroneously believe that such goods and services are produced by or under the



authority of Schiff's, or to erroneously assume that there is some other trade connection between Schiff's and Scavazzo.

36. Scavazzo's butcher mark is identical to Schiff's Butcher Mark and when used on or in connection with the goods and services of Scavazzo:

- a. is likely to cause confusion, or to cause mistake, or to deceive;
- b. falsely suggests a connection with Schiff's; and
- c. tends to damage Schiff's goodwill in its Butcher Mark.

37. Schiff's is aware of at least one case of actual confusion. Shortly after Schiff's became aware of Scavazzo's use, a Schiff's customer brought a Scavazzo advertisement bearing the Scavazzo butcher mark into Schiff's store.

38. Schiff's has no control over the presentation, or appearance, of Scavazzo's facilities, has no control over the presentation, format, or content of Scavazzo's advertisements, nor any control over how Scavazzo's butcher mark is used, and because of the confusion as to the source created by Scavazzo, Schiff's goodwill with its Butcher Mark is at the mercy of Scavazzo.

39. Scavazzo, through his/its attorney, has refused to abandon its use of his/its butcher mark.

40. On July 3, 2010, counsel for Schiff's filed before the Trademark Trial And Appeal Board a Petition for Cancellation of the 2966071 registration, Cancellation No. 92052675.

41. The Cancellation proceeding is currently in the Discovery phase.

42. Schiff's plans to file a motion to suspend the Cancellation proceeding pending disposition of the present action.

43. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s activities complained of herein constitute willful and intentional infringement of Schiff's Butcher Mark; have disregarded Schiff's rights, and have continued in spite of Scavazzo's knowledge that the use of his/its butcher mark is in direct contravention of Schiff's rights.

44. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s activities complained of herein constitute federal unfair competition.

45. Schiff's has no adequate remedy at law and is suffering irreparable harm and damage as a result of the acts of Mr. Scavazzo and Scavazzo Enterprises, Inc.

## **COUNT II**

### **False Or Fraudulent Registration**

#### **Jurisdiction and Venue**

46. This claim arises under the provisions of the Trademark Act of 1946, 15 U.S.C. §1051, et. seq., particularly under 15 U.S.C. §1120, and alleges Scavazzo procured registration in the Patent and Trademark Office of its butcher mark by false or fraudulent declaration or representation.

47. The Court has jurisdiction over the subject matter of the claim pursuant to 15 U.S.C. §1121 and 28 U.S.C. §1391.

#### **Background and Factual Averments**

48. Schiff's repeats and realleges the allegations contained in Paragraphs 1-45.

49. Registration No. 2966071 was applied for under Section 1 (a). Scavazzo declared under penalty of perjury that it or a related company or licensee was using its trademark in commerce in connection with "butcher shop" services, at least as early as April 1, 2003.

50. Upon information and belief, Scavazzo was not and continues to not be engaged in interstate commerce, limiting his/its marketing and sales to Northeastern Pennsylvania.

51. Upon information and belief, Scavazzo is not subject to USDA regulation or inspection.

52. Therefore, the declaration of actual use in commerce as applied to federal trademark law contained in the application was false and fraudulent. Scavazzo was not entitled to apply for federal trademark registration under Section 1 (a) and was not entitled to have a registration issued based on the application, which was defective from the start. The application and now registration for Scavazzo's butcher mark was based on the false and fraudulent declaration of actual use in commerce as that term is construed under federal trademark law.

53. Scavazzo's false and fraudulent application has caused and is continuing to cause injury to Schiff's.

54. Schiff's has no adequate remedy at law and is suffering irreparable harm and damage as a result of the acts of Scavazzo.

### **COUNT III**

#### **Common Law Trademark Infringement and Unfair Competition**

##### **Jurisdiction And Venue**

55. This claim arises under the common laws of this Commonwealth relating to trademark infringement and unfair competition.

56. This Court has jurisdiction over the subject matter of this claim pursuant to the provisions of 28 U.S.C. §1338(b), thus being a claim of unfair competition joined with substantial and related claims under the Trademark Laws of the United States as set forth in Counts I and II, and under the Doctrine of Pendant Jurisdiction as embodied in 28 U.S.C. §1367.

57. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.

Background and Factual Averments

58. Schiff's repeats and realleges the allegations contained in Paragraphs 1-54.

59. Mr. Scavazzo has intentionally appropriated Schiff's Butcher Mark and has used it in association with his Facebook page and elsewhere with the intent of causing confusion, mistake, and deception as to the source of goods, and with the intent to present his Facebook page and other uses as that of Schiff's, and as such, Mr. Scavazzo has committed trademark infringement and unfair competition under the common law.

60. Scavazzo Enterprises, Inc. has intentionally appropriated Schiff's Butcher Mark and has used it in association with its goods and services with the intent of causing confusion, mistake, and deception as to the source of goods, and with the intent to present its goods and services as that of and/or authorized by Schiff's,

and as such, Scavazzo Enterprises, Inc. has committed trademark infringement and unfair competition under the common law.

61. As more fully set forth above, Schiff's Butcher Mark has acquired a recognition in the minds of the public as identifying Schiff's and is indicative of origin, sponsorship, and/or association with Schiff's. The public is likely to attribute to Schiff's the use by Mr. Scavazzo and Scavazzo Enterprises, Inc. of his/its butcher mark as a source of origin, authorization, and/or sponsorship for Scavazzo's goods and services, and, therefore, to lead the public to Scavazzo's facilities in that erroneous belief.

62. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s conduct complained of constitutes common law trademark infringement and unfair competition.

63. Schiff's has no adequate remedy at law and has suffered irreparable harm and damage as a result of Scavazzo's acts as aforesaid.

#### **COUNT IV**

##### **Federal Dilution Under The Lanham Act**

##### **Jurisdiction and Venue**

64. This claim arises under the provisions of the Trademark Act of 1946, 15 U.S.C. §1125(c), and is for the dilution of trademarks.

65. This Court has jurisdiction over the subject matter of this claim pursuant to 15 U.S.C. §1121 and 28 U.S.C. §1338.

66. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.

Background and Factual Averments

67. Schiff's repeats and realleges the allegations contained in contained in Paragraphs 1-63.

68. By reason of the widespread advertising and widespread distribution of Schiff's goods and services bearing Schiff's Butcher Mark, and the extended period of Schiff's use of Schiff's Butcher Mark, the Butcher Mark has become famous and has gained a distinctive quality in the minds of the public.

69. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s use of the butcher mark dilutes the distinctive quality of Schiff's famous Butcher Mark and is likely to cause irreparable harm to Schiff's.

70. Schiff's has no adequate remedy at law and is suffering irreparable harm and damages as a result of the acts of Mr. Scavazzo and Scavazzo Enterprises, Inc. complained of herein.

## **COUNT V**

### **State Law Dilution**

#### **Jurisdiction and Venue**

71. This claim arises under 54 Pa. C.S.A. §1124 and the common law of this Commonwealth relating to injury to business reputation and dilution of trademarks.

72. This Court has jurisdiction over the subject matter of this claim pursuant to the provisions of 28 U.S.C. §1338(b), this being a claim of dilution joined with substantial and related claims under the Trademark Laws of the United States and under the Doctrine of Pendant Jurisdiction as embodied in 28 U.S.C. §1367.

73. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.

#### **Background and Factual Averments**

74. Schiff's repeats and realleges the allegations contained in Paragraphs 1-70.

75. Mr. Scavazzo and Scavazzo Enterprises, Inc. intended to willfully appropriate the goodwill of Schiff's Butcher Mark when they chose to advertise Scavazzo's butcher mark with identical goods and services.

76. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s use of the Scavazzo butcher mark weakens the commercial value of Schiff's Butcher Mark.



77. Mr. Scavazzo's and Scavazzo Enterprises, Inc.'s use of the Scavazzo butcher mark has diluted the distinctive quality of Schiff's Butcher Mark.

78. Schiff's has no adequate remedy at law and is suffering irreparable harm and damages as a result of the acts of Mr. Scavazzo and Scavazzo Enterprises, Inc. complained of herein.

WHEREOF, Schiff's respectfully demands:

1. That a permanent injunction be issued enjoining both Scavazzo Enterprises, Inc. and Mr. Scavazzo:

- A. From using the Scavazzo butcher mark;
- B. From using any logo, trademark, or trade name which may be calculated to falsely represent or which has the effect of falsely representing that the products and services of Scavazzo Enterprises, Inc. and/or Mr. Scavazzo or of third parties are sponsored by, authorized by, or in any way associated with Schiff's;
- C. From infringing Schiff's Butcher Mark;
- D. From otherwise unfairly competing with Schiff's;

- E. From falsely representing themselves as being connected with Schiff's, or sponsored by or associated with Schiff's, or engaging in any act which is likely to falsely cause the public to believe that Scavazzo Enterprises, Inc. and/or Mr. Scavazzo are associated with Schiff's; and
- F. From affixing, applying, annexing, or using in connection with the display of items on Mr. Scavazzo's Facebook page or any other website, a false designation or description or representation, including words, terms, name, or other symbols, tending falsely to describe or represent the website or items displayed on the website as being those of Schiff's.

2. That Scavazzo Enterprises, Inc. and Mr. Scavazzo be required to account to Schiff's for all of Scavazzo Enterprises, Inc.'s and Mr. Scavazzo's profits and the actual damages suffered by Schiff's as a result of Scavazzo Enterprises, Inc.'s and Mr. Scavazzo's acts of infringement, dilution, and unfair competition.
3. That Schiff's have a recovery from Scavazzo Enterprises, Inc. and Mr. Scavazzo of three times the amount of actual damages, pursuant to 15 U.S.C. §1117.
4. That Schiff's have a recovery from Scavazzo Enterprises, Inc. and Mr. Scavazzo of the costs of this action and Schiff's reasonable counsel fees pursuant to 15 U.S.C. §1117.
5. That Scavazzo Enterprises, Inc. and Mr. Scavazzo deliver up for destruction all labels, signs, prints, packages, wrappers, receptacles, and advertisements in their possession bearing the Scavazzo butcher mark.

6. That the United States Patent and Trademark Office be ordered to cancel Scavazzo's U.S. Registration No. 2966071.
7. That Schiff's be granted all other relief and further relief as the Court may deem just and proper.

Respectfully submitted,



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Mitchell A. Smolow.  
PA 80307  
720 Hampton Road  
Shavertown, PA 18708  
570-714-4000 voice  
570-696-3320 facsimile  
msmolow@smolowlaw.com

Attorney for Plaintiff

Date: 05/17/2011

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

SCHIFF'S RESTAURANT SERVICE, INC.

(b) County of Residence of First Listed Plaintiff Lackawanna  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

## DEFENDANTS

SCAVAZZO ENTERPRISES INC.  
d/b/a DOTTI-LOU PACKING CO. and  
VINCE SCAVAZZO

County of Residence of First Listed Defendant Bradford  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>CONTRACT</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. §1051, et. seq.

Brief description of cause:

Trademark Infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

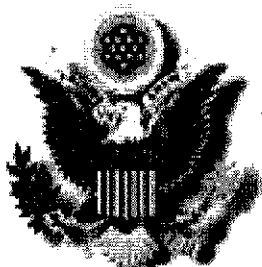
05/17/2011

SIGNATURE OF ATTORNEY OF RECORD

s/ Mitchell A. Smolow

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



**OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT of PENNSYLVANIA**

**William J. Nealon Federal Building & U.S. Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148  
Internet Address: [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov)**

**MARY E. D'ANDREA**

Clerk of Court

(570) 207-5600

FAX (570) 207-5650

May 17, 2011

Commissioner of Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: Schiff's Restaurant Service, Inc. V. Scavazzo Enterprises Inc. and Vince  
Scavazzo  
3:11cv943

Dear Commissioner:

In compliance with 35 U.S.C. Sec. 290 and/or 15 U.S.C. Sec. 1116 enclosed is a  
copy of the docket entries and complaint (or closing order) which was filed in the  
United States District Court for the Middle District of Pennsylvania.

Sincerely yours,

Mary E. D'Andrea  
Clerk of Court

By: s/Anne Oswald  
Deputy Clerk

SCR, TRADEMARK

**United States District Court  
Middle District of Pennsylvania (Scranton)  
CIVIL DOCKET FOR CASE #: 3:11-cv-00943-UN2  
Internal Use Only**

Schiff's Restaurant Service, Inc. v. Scavazzo Enterprises Inc. et al  
Assigned to: Unassigned2  
Cause: 15:1051 Trademark Infringement

Date Filed: 05/17/2011  
Jury Demand: Plaintiff  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff****Schiff's Restaurant Service, Inc.**

represented by **Mitchell A. Smolow**  
Dr. Mitchell A. Smolow, LL.M.  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Scavazzo Enterprises Inc.**  
*doing business as*  
Dotti-Lou Packing Co.

**Defendant****Vince Scavazzo**

Date Filed	#	Docket Text
05/17/2011	<u>1</u>	COMPLAINT against Vince Scavazzo, Scavazzo Enterprises Inc. ( Filing fee \$350, Receipt Number 0314-2184604), filed by Schiff's Restaurant Service, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(ao, ) (Entered: 05/17/2011)
05/17/2011	<u>2</u>	EXHIBITS by Schiff's Restaurant Service, Inc. re <u>1</u> Complaint. (ao, ) (Entered: 05/17/2011)
05/17/2011	<u>3</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by Schiff's Restaurant Service, Inc.. (ao, ) (Entered: 05/17/2011)
05/17/2011	<u>4</u>	Trademark Letter from Deputy Clerk sent to Commissioner of Patents and Trademarks with copy of complaint and docket sheet. (ao, ) (Entered: 05/17/2011)
05/17/2011		Summons Issued as to Vince Scavazzo, Scavazzo Enterprises Inc. and provided to Atty Smolow for service on Defendant(s). (ao, ) (Entered: 05/17/2011)